

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHENG I. CHENG,

Plaintiff,

v.

Deputy AMMERMAN, # D652; Deputy
ROBERT ROSENMILY; Deputy
O'DELL, # D670; Deputy ADAM
JOHNSON, # D691; Sergeant PAT
McTAGGART; Sheriff DON HORSLEY;
NORMELEE TILLMAN, Director of
Correctional Health Services; REBECCA
ANDERSON POTTS, Medical Manager,
San Mateo County Jail; EMERGENCY
RESPONSE TEAM, San Mateo County
Jail; COUNTY OF SAN MATEO; and
DOES I-V,

Defendants.

No. C 06-2217 WHA (PR)

**ORDER FOR DEFENDANTS TO
FILE RESPONSE; DENIAL OF
MOTION FOR APPOINTMENT
OF COUNSEL**

This is a civil rights case filed pro se by a state prisoner. Plaintiff moves for a restraining order against retaliatory assaults upon him by correctional officers at the jail. In view of his allegation that he was violently assaulted on December 8th and 9th, 2006, causing him to be hospitalized in a coma for six days, a response from defendants would assist the Court. Defendants shall file a response within fourteen days of the date this order is entered.


Plaintiff also moves for appointment of counsel. There is no constitutional right to counsel in a civil case, *Lassiter v. Dep't of Social Services*, 452 U.S. 18, 25 (1981), but 28

1 U.S.C. § 1915 confers on a district court the power to "request" that counsel represent a litigant
2 who is proceeding in forma pauperis. 28 U.S.C. § 1915(e)(1). This does not give the courts the
3 power to make "coercive appointments of counsel." *Mallard v. United States Dist. Court*, 490
4 U.S. 296, 310 (1989). In short, the Court has only the power to ask pro bono counsel to
5 represent plaintiff, not the power to "appoint" counsel.

6 Plaintiff is capable of presenting his claims effectively, and the issues, at least at this
7 stage, are not complex. The motion (document number 28 on the docket) is **DENIED**.

8 **IT IS SO ORDERED.**

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10 Dated: August 27, 2007.



11 WILLIAM ALSUP
12 UNITED STATES DISTRICT JUDGE
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